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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/942,298

08/29/2001

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3927P013

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10/31/2006

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EXAMINER

KIM, KEVIN

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,298

Applicant(s)

KILANI ET AL.

Examiner

Kevin Y. Kim

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-10,13-19,22-24,27-29,31-34 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7,8,16,17,28 and 33 is/are allowed.
- 6) ☒ Claim(s) 1,4,5,6,10,13,14,15,19,24,27,29,31,32,34 is/are rejected.
- 7) ☒ Claim(s) 9,18,22,23 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1,4,5,6,10,13,14,15,24,27,29,31,32 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Atwood et al (US 5,208,842).

Claims 1, 6, 10,15,24,29,34

Atwood et al discloses an apparatus and apparatus (see Fig.2) comprising an estimating unit to estimate the distribution of input signal envelope comprising:

a comparator (32,34) to compare an input signal (Vc) against a first (upper) threshold and a second (lower) threshold,

a counter (20) to estimate the distribution by counting occurrences in which the input signal is above the first threshold and below the second threshold and

an integrator (26) to adjust the gain based on the distribution for an automatic gain control. See col. 4, lines 17-34.

Claims 4, 13,27,31.

The first threshold (UT) is higher than the second threshold (LT).

Claims 5,14,32.

When the input signal is higher than the UP, a control signal is provided to up port of the counter such that the counter counts up and vice versa.

Claim Rejections - 35 USC § 103

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3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Atwood et al (US 5,208,842) in view of Scarpa (US 6,668,807 previously cited).

Atwood et al discloses all the subject matter claimed (see paragraph 2 above) except that the automatic gain control is executed instructions stored in a machine readable medium.

Scarpa teaches an AGC implementation using software on a computer, i.e., "instructions stored in a machine readable medium." One well know advantage of software implementation is flexibility. Thus, it would have been obvious to one skilled in the art at the time the invention was made to implement the AGC method of Atwood et al, using instructions stored in a machine readable medium as taught by Scarpa.

Allowable Subject Matter

5. Claims 7,8,16,17,28 and 33 are allowed.

6. Claims 9,18,22,23, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/s/ Kevin Kim
10/25/06

KEVIN KIM
PRIMARY PATENT EXAMINER